

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RUTH CHANECKA on behalf  
of The Estate of Mary A.  
Dofton,

Plaintiff,

-v.-

Civil Action No.  
3:09-cv-1276 (GLS/DRH)

MICHAEL J. ASTRUE  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

Hinman, Howard Law Firm  
P.O. Box 5250  
80 Exchange Street  
700 Security Mutual Building  
Binghamton, New York 13902-5250

LAURIE M. CEPARANO, ESQ.

**FOR THE DEFENDANT:**

Social Security Administration  
Office of Regional General Counsel  
Region II  
26 Federal Plaza - Room 3904  
New York, New York 10278

KRISTINA COHN, ESQ.

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed December 6, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

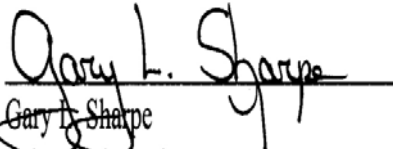
ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed December 6, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the Commissioner's motion to dismiss (Dkt. No. 6) is GRANTED and Chanecka's complaint is DISMISSED, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties.

IT IS SO ORDERED

Dated: December 28, 2010  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge